

transfer protein inhibitors of Formula IV set forth in Applicants' specification at paragraphs [0172] to [0185]. Claim 43 specifies the particular CETP inhibitor [2R,4S] 4-[(3,5-bis-trifluoromethyl-benzyl)-methoxycarbonyl-amino]-2-ethyl-6-trifluoromethyl-3,4-dihydro-2H-quinoline-1-carboxylic acid ethyl ester, as set forth in paragraph [0183], also identified as Drug 2 in Applicants' examples.

No fee is believed to be owed for the addition of new claim 43-44 since at least an equal number of claims was previously canceled. If the Office disagrees, authorization is hereby made to charge any new claims fees to Applicants' Deposit Account No. 16-1445.

The withdrawal of the rejections under 35 USC §112, under §102 over Miyajima and under §103 over Miyajima in view of Nakamichi is noted with gratitude.

Claims 1-20 and 22-25 were rejected under 35 USC §112, the Examiner having commented in pertinent part as follows:

Claims 1-20 and 22-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The instant application claims method of forming a composition that comprises cholesteryl ester transfer inhibitors in the presence of concentration enhancing polymers. However, the method appears to be preparing all CETP inhibitors, those known and yet to be known or discovered and the guidance provided in applicants' specification is directed to few known CETP's. In the same manner the claims are directed for formulating the CETP's with all concentration enhancing polymers and the guidance provided is directed to a select group of the polymers that enhance the solubility of the CEPT's given in the examples. The predictability of preparing all CETP's with all concentration enhancing polymers is low and sufficient guidance is not provided by the specification and enormous burden will be placed on the ordinary artisan to determine which CETP can be combined which concentration enhancing polymer in the preparation of the formulation.

Although Applicants do not agree with the rejection and believe the invention to be fully in compliance with the written description requirement, the independent claims have been amended as indicated in the claims summary in order to expedite prosecution. It is respectfully submitted that the claims are fully in accord with the written

description requirement since the amendment language has been reproduced from, and is thus fully supported by, Applicants' specification.

In view of the foregoing comments and amendments, this case is believed to be in condition for allowance, and a Notice of Allowance is courteously solicited.

Respectfully submitted,

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James T. Jones

James T. Jones
Attorney for Applicant(s)
Reg. No. 30,561

Pfizer Inc.
Patent Department
MS8260-1611
Eastern Point Road
Groton, CT 06340
(860) 441-4903